

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6130

BILL NUMBER: SB 43

NOTE PREPARED: Mar 15, 2007

BILL AMENDED: Mar 15, 2007

SUBJECT: Neglect of a Dependent.

FIRST AUTHOR: Sen. Bray

FIRST SPONSOR: Rep. Lawson

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) The bill specifies that a person having the care of a dependent commits neglect of a dependent as a Class C felony if the person's abandonment or cruel confinement of the dependent:

- (1) deprives a dependent of necessary food, water, or sanitary facilities;
- (2) consists of confinement in an area not intended for human habitation; or
- (3) involves the unlawful use of handcuffs, a rope, a cord, tape, or a similar device to physically restrain the dependent.

(The introduced version of this bill was prepared by the Sentencing Policy Study Committee.)

Effective Date: July 1, 2007.

Explanation of State Expenditures: There are no data available to indicate how many more offenders may be convicted of neglect of a dependent as a Class C felony with a change in the definition of the crime. A Class C felony is punishable by a prison term ranging from 2 to 8 years, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$22,734 in FY 2006. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$63,139. The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately two years.

Background: On average between 2001 and 2005, there were seven offenders a year committed to a state

correctional facility for neglect of a dependent as a Class C felony. However, there are two Class C felony offenses under this code section, and there are no data available to indicate how many were committed as the result of cruel or unusual confinement or abandonment (the subsection involved in this definition change).

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class C felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the judicial salaries fee (\$15), the public defense administration fee (\$3), the court administration fee (\$2), the judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

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